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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY ASARO,

Defendant and Appellant.

D063557

(Super. Ct. No. SCD239220)

APPEAL from a judgment of the Superior Court of San Diego County, Laura Halgren,
Judge. Affirmed.

Robert Booher, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney
General, Julie L. Garland, Assistant Attorney General, and Adrienne S. Denault, Deputy
Attorney General, for Plaintiff and Respondent.

The trial court denied defendant Anthony Asaro's motion to allow defense counsel to
attend an in camera hearing regarding the sufficiency of an affidavit to support a search
warrant, or appoint independent counsel to attend the hearing. Following the in camera

hearing, the court denied Asaro's motions to unseal the sealed portion of the affidavit and traverse the warrant. Asaro entered a negotiated guilty plea to possessing heroin for sale (Health & Saf. Code,¹ § 11351) with two prior convictions pursuant to section 11379 (§ 11370.2, subd. (a); count 2), possessing methamphetamine for sale (§ 11378; count 4), transporting morphine (§ 11352, subd. (a); count 7) and possessing oxycodone for sale (§ 11351; count 9). The court sentenced him to a stipulated term of 12 years four months in local custody: the three-year middle term on count 4, a consecutive one-year term (one-third the middle term) plus three years for each enhancement on count 2, a consecutive one-year term (one-third the middle term) on count 9 and a consecutive term of one year four months (one-third the middle term) on count 7. Asaro appeals. He asks this court to review the sealed transcript of the in camera hearing to determine whether the court properly denied his motions to unseal the affidavit and traverse the warrant. Respondent concedes we should conduct the review. We have done so and find no error. (*People v. Hobbs* (1994) 7 Cal.4th 948, 971-975.)

DISPOSITION

The judgment is affirmed.

¹ All further statutory references are to the Health and Safety Code.

McDONALD, J.

WE CONCUR:

NARES, Acting P. J.

O'ROURKE, J.